

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEFFREY A. VOIGT,

Petitioner,

v.

Case No. 07-C-630

MICHAEL THURMER,

Respondent.

ORDER

On July 9, 2007, state inmate Jeffrey A. Voigt filed a petition pursuant to 28 U.S.C. § 2254, claiming that his state court conviction and sentence were imposed in violation of the Constitution of the United States. Voigt was convicted in 1997 in Outagamie County Circuit Court of perjury and was sentenced to 18 months imprisonment, to run consecutive to a lengthier sentence for a separate conviction. After providing Voigt an opportunity to respond to an Order to Show Cause, I dismissed the petition on the ground that it was barred by one year statute of limitations applicable for § 2254 action. *See* 28 U.S.C. § 2244(d). A motion for reconsideration was denied and now Voigt has filed a petition for a writ of mandamus. Although the petition is addressed to the chief judge of the district, he did not pay a filing fee or seek leave to proceed *in forma pauperis*. The petition is captioned Jeffrey A. Voigt v. William C. Griesbach, in the Eastern District of Wisconsin, but has the same case number as the case previously pending before me. To the extent that Voigt

intends it as a separate action, he should refile it, either with a filing fee or a petition for leave to proceed *in forma pauperis*. To the extent it is a further pleading in this case, it is **DENIED**.

Dated this 10th day of August, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge